

State of South Dakota

SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

780I0010

SENATE BILL NO. 4

Introduced by: Senators Bogue, Abdallah, Albers, Apa, Kelly, Kooistra, and Vitter and
Representatives Sebert, Hargens, Hunhoff, and Sigdestad at the request of the
Interim Alcoholic Beverage Licensing and Regulation Committee

1 FOR AN ACT ENTITLED, An Act to define operating agreements for the purposes of
2 regulating and licensing alcoholic beverages.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 35-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For the purposes of this title, an entity that has entered into an operating agreement with a
7 municipality pursuant to § 35-4-19 shall be deemed to be a licensee. The number of operating
8 agreements that a municipality may enter into may not exceed the maximum number of retail
9 licenses that may be issued pursuant to the population quotas established in chapter 35-4.

10 Section 2. That § 35-3-13 be amended to read as follows:

11 35-3-13. ~~When at such election on the questions specified in subdivisions 35-3-12(1) and (2);~~
12 If the majority vote is in the affirmative on the election question provided in subdivision (1), it
13 ~~shall be the duty of 35-3-12(1), the governing board of the municipality to make proper shall~~
14 make an application for an off-sale license; if or licenses. If the majority vote is in the affirmative
15 on the election question provided in subdivision (2) 35-3-12(2) and the municipality has applied



1 for or has been issued an off-sale license, ~~then it shall be the duty of the governing board of the~~
2 municipality ~~to make proper~~ shall make an application for an on-sale license or licenses. ~~Said~~ The
3 application or applications ~~will~~ shall be filed with the secretary, ~~whereupon~~ and the secretary shall
4 issue the license or licenses applied for and all similar licenses in the municipality shall terminate
5 thirty days after the canvass of the vote at such election.